

Application No.: 10/815,773
Amendment dated May 2, 2006
Reply to Office Action of February 2, 2006

Docket No.: 0649-1007PUS1
Art Unit: 3748
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AMENDMENTS TO THE DRAWINGS

Four Sheets of Replacement Drawings (FIGS. 2, 3, 6, and 7(b)) are attached hereto merely to correct inconsistent reference numerals.

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-20 are pending. Claims 1 and 8-18 are amended, and claims 19 and 20 are added. Claims 1 and 8 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Claim for Priority

It is gratefully appreciated that the Examiner has recognized the Applicants' claim for foreign priority.

Acknowledgement of Information Disclosure Statement

It is gratefully appreciated that the Examiner has acknowledged the Information Disclosure Statements filed on April 2, 2004.

Amendments to the Specification

The Title has been amended to read: EXHAUST PIPE INSULATOR ATTACHING STRUCTURE FOR SADDLE-RIDING VEHICLE.

Paragraphs [0041], [0056], and [0060] have been amended to correct minor informalities. No new matter has been entered.

The Drawings

It is gratefully appreciated that the Examiner has accepted the drawings. Four Sheets of Replacement Drawings (FIGS. 2, 3, 6, and 7(b)) are attached hereto merely to correct inconsistent reference numerals.

Restriction Requirement

The Examiner has required an election in the present application and has withdrawn claims 15-18 from consideration. The Examiner will note that claim 15 has been amended, so that claims 15-18 depend directly or indirectly from independent claim 8. Assuming independent claim 8 is found to be allowable, the Applicants respectfully request that the Examiner consider dependent claims 15-18 as well as part of the invention of the present application.

If the Examiner persists with this Restriction Requirement, the Applicants reserve the right to file a divisional application directed to claims 15-18 at a later date if so desired.

Rejections Under 35 U.S.C. §§102(b) and 103(a)

Claims 1-5 stand rejected under 35 U.S.C. §102(b) as being anticipated by Amagai et al. (U.S. 4,085,816);

claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Amagai et al. in view of Nozaki (U.S. 6,438,949);

claims 8-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nozaki (U.S. 6,287,354) in view of Amagai et al.; and

claims 13 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nozaki (U.S. 6,287,354) in view of Amagai et al., and further in view of Nozaki (U.S. 6,438,949).

These rejections are respectfully traversed.

Amendments to Independent Claims 1 and 8

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, each of independent claims 1 and 8 are amended herein to recite a novel combination of features.

The combination of elements set forth in each of independent claims 1 and 8 can be seen in FIG. 6.

The Applicants respectfully submit that the combination of features set forth in each of independent claims 1 and 8 is not disclosed or made obvious by the prior art of record, including Amagai et al., Nozaki (U.S. 6,287,354), and Nozaki (U.S. 6,438,949).

In contrast to the present invention, as can be seen in Figs 3 and 4 of Amagai et al., this document merely discloses a heat shielding plate 30, and embossed sections 32, 34. At the embossed sections 32, 34, the heat shielding plate 30 is attached to the exhaust tube 12 by a band member 36. The band member 36 is provided outside of the heat shielding plate 30. That is, the band member 36 is exposed to the outside, and thus an exterior of the heat insulator attaching structure is subject to deterioration.

In order to overcome this problem, in the present invention, the band member is provided at an inner side of the heat insulator, as clearly shown in Fig. 6. Therefore, Amagai et al. fail to disclose all elements of the claimed invention. The disclosure of Nozaki '354 cannot make up for the deficiencies of Amagai et al.

Thus, the combination of Nazaki et al. '354 and Amagai et al. cannot teach or suggest either of independent claims 1 or 8 as amended herein.

While Nozaki et al. '949 was cited in the rejection of dependent claims 6, 7, 12, and 13 to teach a J-shaped exhaust pipe, Nozaki et al. '949 fails to make up for the deficiencies of Amagai et al. and Nozaki et al. '354 in the rejection of independent claims 1 and 8.

At least for the reasons described above, the Applicants respectfully submit that the novel combination of features set forth in each of independent claims 1 and 8 is not disclosed or made obvious by the prior art of record, including Amagai et al., Nozaki (U.S. 6,287,354), and Nozaki (U.S. 6,438,949).

Therefore, independent claims 1 and 8 are in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

Dependent Claims

The Examiner will note that dependent claims 9-14 have been amended to place them in better form, dependent claims 15-18 have been amended to depend from independent claim 8, and dependent claims 19 and 20 have been added to set forth additional novel features of the

present invention. All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

For example, each of dependent claims 19 and 20 recite “wherein the arc-shaped contact portion of the attachment member is substantially semicircular in shape and also makes contacts with substantially half of the outer-peripheral face of the exhaust pipe”.

See FIGS. 6-9 of the present invention for support.

In contrast to claims 19 and 20, Amagai et al. (See FIG. 5A-5C) merely discloses five separate embossed sections 32, 34 spaced at intervals around the exhaust tube 12.

No combination of Amagai et al., Nozaki et al. ‘354, and Nozaki et al. ‘949, can suggest the combination of elements in claim 19 and 20.

All claims of the present application are in condition for allowance.

CONCLUSION

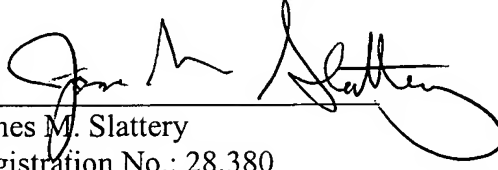
It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Dated: May 2, 2006

Respectfully submitted,

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Attachments: 4 Sheets of Replacement Drawings